



**Livestock and Seed Program
Audit, Review, and Compliance Branch
Quality System Audit Report**

AUDIT INFORMATION

Applicant Name:	Texas Department of Agriculture (TDA)
Est. Number:	N/A
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Auditor(s):	Martin Friesenhahn
Program:	USDA National Organic Program (NOP)
Audit Date(s):	November 19, 2007
Audit Identifier:	NP7079BBA
Action Required:	No
Audit Type:	Corrective Action Audit
Audit Objective:	To verify that corrective actions adequately address the outstanding non-compliance from the Surveillance-Accreditation Renewal Audit.
Audit Criteria:	<ul style="list-style-type: none">• 7 CFR Part 205 National Organic Program, Final Rule, dated December 21, 2000; updated September 11, 2006
Audit Scope:	The company's submitted corrective actions.
Location(s) Audited:	Desk

Texas Department of Agriculture (TDA) submitted additional corrective actions dated November 1, 2007, to the National Organic Program (NOP) addressing the outstanding non-compliance from the Surveillance-Accreditation Renewal Audit. The corrective actions were requested September 18, 2007 by the NOP and received by the auditor on November 1, 2007.

FINDINGS

The corrective actions submitted by TDA adequately addressed the outstanding non-compliance.

NP7079BBA.NC2 – Adequately Addressed - NOP §205.662(b) requires the certifying agent to send the certified operation a written notification of non-compliance resolution when the certified operation demonstrates that each non-compliance has been resolved. *TDA had issued the certified operations written notifications of non-compliance resolution for minor non-compliances that had been issued. However, TDA had issued additional requirements to some clients in which the written notifications of non-compliance resolution had not been submitted. Some of these additional requirements were minor*



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non-compliances to the NOP Rule which would then have required the written notifications of non-compliance resolution. **Corrective Action: (July 6, 2007):** TDA stated in the corrective actions that TDA has granted certification or updated certificates with conditions, or additional requirements, to be met within a specified time frame as allowed under §205.404(a) of the NOP. This statement is not exactly correct as this section of the NOP states that certification may include requirements for the correction of minor non-compliances within a specified time period as a condition of continued certification. TDA went on to state that until clear guidance is provided by the NOP on the dividing line between conditions for certification and non-compliances, TDA will develop internal guidelines to follow to differentiate the two situations. TDA also stated that any non-compliance identified will be handled with a formal notice of non-compliance, followed by a resolution letter when the non-compliance is resolved. The corrective actions are considered inadequate due to the fact that any sections of the NOP Rule that are not being followed or in full compliance could be considered as a minor non-compliances and therefore handled in accordance to §205.662 Non-compliance procedure for certified operations. In addition, the NOP Rule does not differentiate between “conditions or additional requirements” and “Minor non-compliances”. It is not clear with the corrective actions as submitted if the future “internal guidelines” mentioned by TDA will follow the NOP Rule for the non-compliance procedure for certified operations. **Corrective Action (November 1, 2007):** The corrective actions stated that a Resolution of Noncompliance Letter will be sent to the certified entity after a sufficient response is received by TDA when additional requirements for continuation of certification with initial or updated certificates are sent.